

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:	)	
	)	
Kevin Campbell, <i>Debtor</i>	)	
	)	Case No. 06-42501-drd
	)	
Deutsche Bank National Trust, as Trustee, by Litton	)	Chapter: 13
Loan Servicing, LP, loan servicing agent for <i>Moving</i>	)	
<i>Creditor</i>	)	
	)	
vs.	)	
	)	
Kevin Campbell, <i>Debtor</i>	)	
	)	
and	)	
	)	
Richard Fink, <i>Trustee</i>	)	

**MOTION TO RATIFY FORECLOSURE SALE  
AND ANNUL AUTOMATIC STAY IN ALL CASES UNDER 11 U.S.C. §362(d)**

Comes Now, Litton Loan Servicing, LP, its subsidiaries, affiliates, predecessors in interests, successors or assigns, ("Movant"), and in support of its motion, states as follows:

1. Movant files this motion under Rules 4001 and 9014, Rules of Bankruptcy Procedure. On September 21, 2006, the Debtor filed under Chapter 13 of the Bankruptcy Code and listed Movant was listed as a creditor therein.

2. Jurisdiction is invoked in the District Court under 28 U.S.C. §1334(a) and 28 U.S.C. §1471(a) and jurisdiction is proper in this Court pursuant to 28 U.S.C. §1408(1) and §157(b)(2)(G).

3. Kevin Campbell ("Debtor", whether one or more) reside at 8713 E. 108<sup>th</sup> Street, Kansas City, MO.

4. Richard Fink is the Trustee duly appointed by law ("Trustee").

5. On December 23, 2003, the Debtors executed a purchase money promissory note

(the "Note") in the principal sum of \$115,600.00 for the balance of the purchase price of a residence. The Property is legally described as follows:

**Lot 42, WOODGLEN, a subdivision in Kansas City, Jackson County, Missouri, commonly known as 8713 E. 108<sup>th</sup> Street, Kansas City, MO 64134 (the "Property")**

6. Contemporaneously with the execution of the Note, a Deed of Trust was executed to secure repayment of the Note. The Deed of Trust was filed for record with the Office of the Register of Deeds of Jackson County, Missouri, on February 23, 2004, Document No. 2004I0017448.

7. The Debtor has not filed bankruptcy schedules at this time.

8. There had been a default pursuant to the terms of the Note and Deed of Trust, in that Debtor failed to make required monthly payments and that because of that default on payment of the Note, the Deed of Trust was foreclosed, and the property sold by the Successor Trustee on September 21, 2006, at which the property was purchased by Litton Loan Servicing, LP.

9. At the time of the Trustee's sale, neither Movant nor the successor Trustee had actual knowledge of the Debtor's filing of the bankruptcy petition for relief. The Debtor's prior case, BK #06-42485, was filed on September 20, 2006 and dismissed on September 21, 2006 prior to the Trustee's sale. Movant had no knowledge of this case until after its dismissal.

10. Although the foreclosure proceedings including publication were conducted after Debtor filed his cases, an innocent yet technical violation of the automatic stay, Creditor asked to annul the automatic stay, validate the foreclosure proceedings and sale that occurred on September 21, 2006.

11. At the time of filing of the Debtor's petition, neither the Debtor nor the bankruptcy estate had any equity in the Property and the Property was not necessary for the effective reorganization of the Debtor's affairs.

12. The current bankruptcy filing is the Debtor's 3<sup>rd</sup> filing in the past twelve months. BK #06-41965 was filed on August 3, 2006 and dismissed on August 9, 2006. BK #06-42484 was filed on September 20, 2006 and dismissed on September 21, 2006. BK #06-42501 was filed on September 21, 2006 and remains active. The Automatic Stay does not apply pursuant to 11 U.S.C. §362(c)(4)(A) & 362(j).

WHEREFORE, Movant requests that the automatic stay be annulled in all cases under 11 U.S.C. § 362(d) and that the Trustee's sale of the Property be ratified and that Movant be granted relief to secure possession of the Property under the terms of the Deed of Trust and applicable non-bankruptcy state law.

SOUTH & ASSOCIATES, P.C.

/s/Steven L. Crouch

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